

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT S D BERGEN,

Plaintiff,

v.

DSHS MAILROOM STAFF,

Defendants.

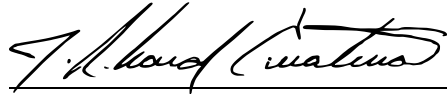
CASE NO. C11-5208RBL

REPORT AND RECOMMENDATION  
FOR ENTRY OF ORDER TO DISMISS

This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff was sent a letter outlining defects in his filings on March 21, 2011 (ECF No. 2). The letter gave plaintiff until April 21, 2011, to correct the defects. When no response was received, an Order to Show Cause was entered (ECF No. 3). Plaintiff has now responded and asks that this action be voluntarily dismissed (ECF No. 4). He states that he is 84 years old and does not specifically remember sending the case to court.

1 Fed. R. Civ. P. 41 allows a plaintiff to voluntarily dismiss an action prior to service  
2 without a court order. Given these facts, the Court recommends that the District Judge  
3 immediately approve this Report and Recommendation to dismiss and close this file.

4 Dated this 18th day of May, 2011.

5  
6 

7 J. Richard Creatura  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26